

strike or other ignition source in the area.

Since issuance of that AD, Canadair, Ltd., has issued Revision 1 of Alert Service Bulletin A601-0381, dated August 26, 1991, which describes procedures to relocate the sensing line forward of the aft shut-off valve. Relocation of the sensing line will reduce the potential for maintenance damage, and will eliminate the possibility of the tail tank emptying into the aft equipment bay if the sensing line breaks. When relocated, the sensing line will also relieve any pressure buildup in the refuel/defuel line due to thermal expansion between the shutoff valves. The remaining three tube assemblies between forward and aft shutoff valves are replaced as a precaution against any prior thermal expansion damage. Once this modification is installed, the need for repetitive inspections of the sensing line is eliminated. Transport Canada Aviation, which is the airworthiness authority of Canada, has classified the Alert Service Bulletin as mandatory and has issued Canadian Emergency Airworthiness Directive CF-91-22 in order to assure the airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada and type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to a bilateral airworthiness agreement, Transport Canada Aviation has kept the FAA totally informed of the above situation. The FAA has examined the findings of Transport Canada Aviation, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 91-17-02 to require modification of the sensing line forward of the aft shut-off valve. The actions would be required to be accomplished in accordance with the service bulletin previously described. Accomplishment of this modification would constitute terminating action for the currently-required repetitive visual inspections of the sensing line prior to and after each refuelling of the tail cone fuel tank.

It is estimated that 28 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 33 work hours per airplane to accomplish the proposed actions, and that the average labor rate

is \$55 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$50,820.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-8000, and by adding the following new airworthiness directive:

Canadair, Ltd.: Docket No. 91-NM-248-AD. Supersedes AD 91-17-02, Amendment 39-8000.

Applicability: Model CL-600-2A12 (CL-601) and CL-600-2B16 (CL-601-3A) series airplanes equipped with a tail cone fuel tank, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the presence of fuel vapors in the aft equipment bay, resulting in a potential

risk of an in-flight fire in the event of a lightning strike or other ignition source in the area, accomplish the following:

(a) Within 5 days after August 28, 1991 (the effective date of AD 91-17-02, Amendment 39-8000), or prior to refuelling of the tail cone fuel tank, whichever occurs later, perform a visual inspection of the unshrouded portion of the sensing line in the aft equipment bay to detect any damage or deformation, in accordance with Canadair Alert Wire TA601-0381-003, dated June 11, 1991. Thereafter, repeat the inspection prior to each refuelling. If damage or deformation of the sensing line is found as a result of the visual inspection, accomplish either subparagraph (a)(1) or (a)(2) of this AD, in accordance with the alert wire:

(1) Prior to further flight, drain the tail cone fuel tank, and continue flight operations with no fuel in the tail cone fuel tank; or

(2) Prior to further flight, drain the tail cone fuel tank, replace the level control valve sensing line, and continue flight operations with fuel in the tail cone fuel tank.

(b) After each refuelling of the tail cone fuel tank, inspect for any signs of leakage from the fuel sensing line in the aft equipment bay and at the fuel shroud drain, in accordance with Canadair Alert Wire TA601-0381-003, dated June 11, 1991. If leakage is found prior to further flight, either drain the tail cone fuel tank, or replace the tail cone fuel tank level control valve sensing line, in accordance with the alert wire.

(c) Within 6 months after the effective date of this AD, modify the sensing line, and perform functional tests of the refuel/defuel line, tail tank fuel shroud, and tail tank sensing line, in accordance with Canadair Alert Service Bulletin A601-0381, Revision 1, dated August 26, 1991.

(d) Modification of the sensing line, as required by paragraph (c) of this AD, constitutes terminating action for the repetitive inspections required by paragraphs (a) and (b) of this AD.

(e) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, New York Aircraft Certification Office.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on December 18, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 91-31274 Filed 12-31-91; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY**42 CFR Part 52**

(MT3-1-5349; FRL-4089-9)

Disapproval of State Implementation Plans; Montana; Open Burning Regulation Revision**AGENCY:** Environmental Protection Agency.**ACTION:** Proposed Rulemaking.

SUMMARY: In this action, EPA is proposing to disapprove revisions to the Montana State Implementation Plan (SIP) that were submitted by the Governor of Montana on April 9, 1991. The revisions were made to the Administrative Rules of Montana (ARM) 16.8.1302 and 16.8.1307 to allow the open burning of creosote-treated railroad ties, which was previously prohibited in ARM 16.8.1302.

EPA's review of the submittal determined that the proposed regulations do not adequately demonstrate how public health and welfare will be protected during the open burning of creosote-treated railroad ties. This is in direct conflict with section 75-2-102 of the Montana Clean Air Act, which is part of the approved SIP. Section 75-2-102 states that it is the policy of the State to "achieve and maintain such levels of air quality as will protect human health and welfare."

In addition, section 110(a)(2) of the Federal Clean Air Act, as amended, requires that a SIP contain enforceable emissions limitations and a plan for determining compliance with the emissions limitations. Also, the State must demonstrate that adequate personnel and resources are available for implementing and enforcing the SIP. This submittal did not demonstrate any of these requirements.

For additional information, EPA reviewed an open burn permit that was issued to Burlington Northern Railroad on June 26, 1991 to burn creosote-treated railroad ties. EPA's review found that the requirements listed in the permit for approval of open burning of creosote-treated railroad ties were not explicit enough to ensure protection of human health and welfare.

Therefore, EPA is proposing to disapprove the revision to the Montana open burning regulations that would allow the burning of creosote-treated railroad ties. Any source for which a permit was issued under the State's revised open burning rules may be subject to EPA enforcement of the previous version of the open burning

rule approved in the SIP, which strictly prohibits the opening burning of creosote-treated railroad ties.

DATES: Comments must be received on or before February 3, 1992.

ADDRESSES: Copies of the revision are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at the following offices:

Environmental Protection Agency,
Region VIII, Air Programs Branch, 999
18th Street, Suite 500, Denver,
Colorado 80202-2405

Montana Department of Health and
Environmental Services, Air Quality
Bureau, Cogswell Building, Helena,
Montana 59620

FOR FURTHER INFORMATION CONTACT:
Vicki Stamper, Environmental
Protection Agency, Region VIII, Air
Programs Branch, 999 18th Street, Suite
500, Denver, Colorado 80202-2405, (303)
293-1765, (FTS) 330-1765.

SUPPLEMENTARY INFORMATION:**A. History**

Montana has previously revised its open burning regulations numerous times. The original version, which was effective November, 1968, did not specifically prohibit the burning of treated wood. However, the regulation did prohibit the burning of "chicken litter, animal droppings, garbage, dead animals, tires, waste oil, tar paper and similar materials creating dense smoke when burned." This regulation was submitted in the 1972 SIP submittal, which was approved by EPA.

A 1978 version of the open burning regulation strictly prohibited the burning of railroad ties, as follows: "Chicken litter, animal droppings, garbage, dead animals or parts of dead animals, tires, pathogenic wastes, explosives, oil, railroad ties, tar papers, or toxic wastes shall not be disposed of by open burning." This version was also approved in the SIP.

On April 22, 1982, the State submitted a revision to the SIP, which included a revision to the open burning regulation. In this version of the open burning regulation, under ARM 16.8.1302, "Prohibited Open Burning," the State prohibited the burning of "treated lumber and timbers." This regulation was approved by EPA as a revision to the SIP on July 15, 1982 (47 FR 30762).

B. 1991 Submittal

On April 9, 1991, the Governor of Montana submitted revisions to the SIP. A revision was made to ARM 16.8.1302 to prohibit the burning of treated lumber and timbers, "except creosote-treated railroad ties * * *." Revisions were also made to ARM 16.8.1307 to provide for

the permitting of the disposal of railroad ties through open burning. Other revisions were made to ARM 16.8.1307 to include additional provisions for all conditional air quality open burning permits.

The State was notified, on June 12, 1991, that the submittal was administratively and technically complete. In that letter, however, EPA raised several concerns about the toxicity and hazards associated with the burning of creosote-treated wood products and requested further information from the State on how Montana would ensure protection of human health and welfare with the regulation revision. The State indicated that it would not be able to respond to EPA's concerns until a much later date. In order to meet statutory deadlines for processing SIP submittals, EPA decided to continue processing the submittal. EPA determined that the State submittal was in direct conflict with Section 75-2-102 of the Montana Clean Air Act, which states that it is the public policy of the State to "achieve and maintain such levels of air quality as will protect human health and welfare," because the submittal did not adequately show how the public health and welfare would be protected during the open burns of creosote-treated railroad ties. Since the Montana Clean Air Act is in the approved SIP, the regulation revision was found to be in direct conflict with the existing SIP.

For additional information, EPA reviewed an open burn permit which the State had issued to Burlington Northern Railroad on June 24, 1991 to burn creosote-treated railroad ties in accordance with its revised open burning regulations. EPA's review found that the conditions of the permit did not clearly define any specific procedures for open burning to reduce emissions. In addition, under subtitle C of the Resource Conservation and Recovery Act (RCRA), material that is disposed or intended for disposal is defined as solid waste pursuant to 40 CFR 261.2, and a generator of solid waste must determine if the solid waste meets a determination of hazardous waste, as defined in 40 CFR 261, subparts C and D. The State, however, did not require that the source make a determination of whether the material to be burned constituted hazardous waste. Also, the State required that railroad ties must not be burned within two miles of any community. However, due to the toxicity and hazards associated with the burning of creosote-treated railroad ties, EPA was concerned that this requirement

may not fully ensure adequate protection of human health and welfare.

On September 12, 1991, EPA notified the State that EPA would be proposing to disapprove the SIP revision on the basis that the open burning regulation lacked the specific requirements to adequately ensure the protection of human health and welfare, which was in direct conflict with the approved SIP. Additional review of the open burn permit issued to Burlington Northern Railroad substantiated EPA's concerns on the protection of the public health.

However, EPA also provided the state with a final opportunity to submit any additional information which might address EPA's concerns by October 1, 1991. In a letter dated September 30, 1991, the State notified EPA that it was unable to respond to EPA's concerns within the timeframe given. The State will continue to examine its options, to either withdraw the submittal or pursue a detailed permitting program, and will keep EPA informed of any decisions.

Proposed Action

In this action, EPA is proposing to disapprove revisions to the open burning regulations in the Montana SIP. The disapproval pertains to those revisions made to ARM 16.8.1302 and 16.8.1307, which allow the open burning of creosote-treated railroad ties.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 [54 FR 2214-2225]. On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years.

The Agency has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action does not conform with the statute as amended and must be disapproved. The Agency has examined the issue of whether this action should be reviewed only under the provisions of the law as it existed on

the date of submittal to the Agency (i.e., prior to November 15, 1990) and has determined that the Agency must apply the new law to this revision.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Particulate matter.

Dated: December 20, 1991.

Authority: 42 U.S.C. 7401-7642.

James J. Scherer,

Regional Administrator.

[FR Doc. 91-31302 Filed 12-31-91; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[W114-1-5067; FRL-4090-1]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: USEPA is proposing to approve Wisconsin's Statewide Sulfur Dioxide (SO₂) Rules for most sources as a revision to its State Implementation Plan (SIP). The revisions being proposed for approval today consist of: (1) Natural Resources (NR) 417.07—Statewide Sulfur Dioxide Emission Limitations, which contains categorical limits, more restrictive limits, and alternative limits; (2) NR 417.04—Southeast Wisconsin Intrastate Air Quality Control Region (AQCR), which contains restrictions for small sources in Southeastern Wisconsin; (3) new source permits; (4) Administrative Orders; and (5) elective operating permits. USEPA's proposed rulemaking, today, is based upon several submittals from the State.

USEPA is proposing to disapprove Wisconsin's SO₂ plan for some SO₂ sources, because the Wisconsin Department of Natural Resources (WDNR) did not submit site-specific emission limitations and/or compliance methodologies for these sources which provide for attainment and maintenance of the SO₂ national ambient air quality standards (NAAQS).

DATES: Comments on this revision and on the proposed USEPA action must be received by: February 3, 1992.

ADDRESSES: Copies of the SIP revision are available at the following address for review: (It is recommended that you telephone Patrick D. Dolwick, at (312) 888-6053, before visiting the Region V office.) U.S. Environmental Protection Agency, Region V, Air Toxics and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Comments on this proposed rule should be addressed to: (Please submit an original and five copies, if possible.) Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (5AT-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Patrick D. Dolwick (312) 888-6053.

SUPPLEMENTARY INFORMATION: This notice presents a discussion of USEPA's review of Wisconsin's Statewide SO₂ Rules contained in Wisconsin NR Rules 417.07 and 417.04. The outline for the notice is as follows:

- I. Background Information
- II. Emission Limits
 - A. Statewide SO₂ Emission Limitations
 - B. Negative Declarations
 - C. SO₂ Limitations for Nonattainment Areas
 - D. South East Wisconsin Coal Limit
 - E. Permit Limitations
- III. Compliance Test Methods
- IV. Attainment Demonstration
 - A. Categorical/More Stringent Limits to Modeling
 - 1. Prevention of Significant Deterioration (PSD) Increment Analysis
 - 2. Interstate Impact Analysis
 - 3. Consistency with Good Engineering Practice (GEP) Regulations
 - B. Alternate Limits
- V. Summary of USEPA's Proposed Action

I. Background Information

On April 26, 1984, USEPA notified the Governor of Wisconsin under section 110(a)(2)(H) of the Clean Air Act, that the Wisconsin SO₂ SIP was inadequate to ensure the protection of the primary and secondary NAAQS. USEPA concluded that the SIP did not contain SO₂ emission limitations for many sources; nor did it contain schedules and timetables for compliance with such limitations, as required by section 110(a)(2)(B). The finding of SIP inadequacy applied statewide, except for (1) those sources regulated by source-specific New Source Performance Standards (NSPS) (i.e., Wisconsin Public Service (WPS) Weston-Unit 3, Wisconsin Electric Power Company (WEPCo) Pleasant Prairie-Units 1 and 2, Wisconsin Power and Light (WPL) Edgewater-Unit 5, WPL Columbia-Unit 2, Appleton Paper Locks Mill-New Boiler, and Flambeau Paper Boiler 24) and (2) those sources regulated by a USEPA-approved Part D SIP (i.e., Village of Brokaw: Wausau Paper and City of Madison: Madison Gas and Electric Blount Street, Oscar Mayer, University of Wisconsin (UW)-Madison, Wisconsin State Capitol Heating Plant, Wisconsin Department of

Administration-Hillfarms Heating Plant, and Mendota Mental Health Institute).

Wisconsin responded to the notice of SIP deficiency with multiple submittals to USEPA. The Statewide SO₂ Limitation Rule (NR 417.07) was submitted on June 5, 1985, and January 21, 1986. Operating permits were submitted on September 16, 1986, October 3, 1986, and July 20, 1987. Numerous Administrative Orders or elective operating permits containing limits more stringent than those identified in the Statewide Rule were submitted between September 1985 and March 1988. Technical support (consisting of air quality modeling data) was submitted along with the emission limitations.

II. Emission Limitations

The revised SIP is comprised of: (A) Statewide SO₂ Limitations, NR 417.07 (either the categorical limits identified in NR 417.07 (2), more restrictive limits adopted under 417.07 (4), or alternate limits adopted under 417.07 (5)); (B) Sulfur Limitations for specific geographic areas within the State (NR 418.025-08);¹ Brokaw, Madison, Milwaukee, Green Bay, DePere, Peshtigo, Rhinelander, and Rothschild; and (C) Southeast (SE) Wisconsin AQCR coal-fired limit for small sources (NR 417.04); and (D) numerous new source permits. The limits imposed by (A), (C) and (D) above are summarized in Table 1. Each portion of the SIP is reviewed below.

A. Statewide Sulfur Dioxide Emission Limitations (NR 417.07)

(1) Applicability (NR 417.07(1))

Content: This regulation applies to all sources of SO₂ except: (1) Those subject to NR 417.04 or 418 (see footnote 1); or (2) Those subject to a limitation more stringent than the limits identified below.

Action: USEPA proposes to approve the Applicability Section.

(2) Emission Limits for Existing (before February 1, 1985) Sources (NR 417.07(2))

Content: (a) Coal-fired units at facilities with combined coal-firing capacity greater than or equal to 250 million British Thermal Units per hour (MMBTU/HR)—3.2 pounds of SO₂ per million British Thermal Units (lbs/MMBTU);

(b) Coal-fired units at facilities with combined coal-firing capacity less than 250 MMBTU/HR—5.5 lbs/MMBTU;

(c) Residual oil-fired units at facilities with combined residual oil-firing capacity greater than or equal to 250 MMBTU/HR—1.5 lbs/MMBTU;

(d) Residual oil-fired units at facilities with combined residual oil-firing capacity less than 250 MMBTU/HR—3.0 lbs/MMBTU;

(e) Kraft Mill (all process sources combined)—10.0 pounds of SO₂ per ton (lbs/ton) air dried pulp (ADP);

(f) Sulfite mill (all process sources combined)—20.0 lbs/ton ADP;

(g) Petroleum refinery:

(1) Process heater firing residual oil—0.8 lbs/MMBTU;

(2) Fuel burning equipment firing residual oil—0.8 lbs/MMBTU;

(3) Claus sulfur recovery plant—6743 lbs of SO₂/24-hour, and 843 lbs of SO₂/3-hour;

(4) All other process units—1035 lbs of SO₂/1-hour.

Action: USEPA proposes to approve (a), (b), (c), and (d) above subject to source-specific demonstrations of attainment (see Section IV of this notice). USEPA is proposing to disapprove (g), which applies to only one source (Murphy Oil), because the State has not submitted an attainment demonstration for this source. USEPA is proposing to disapprove (e) and (f), which applies to the following sources:

1. Consolidated Papers (Kraft)
2. Mosinee Paper (Kraft)
3. Nekoosa Papers—Port Edwards (Sulfite)
4. Thilmany Pulp and Paper (Kraft)

USEPA is proposing to disapprove (e) and (f) because the federally enforceable compliance technique, stack test, would not be sufficient to determine compliance with the combined process emission limit. Several of these sources have developed alternative (stack specific) emission limits through either operating permits (Thilmany, Nekoosa Papers-Port Edwards) or the PSD permit process (Consolidated Papers). Mosinee is affected by (e) as well. USEPA is also proposing to disapprove it due to the lack of an acceptable modeled attainment demonstration, as discussed in Section IV.

If in the future the State discovers that any of the limits in NR 417.07 will not protect the NAAQS or PSD increments for a given source, then the State has the authority to develop more stringent limits (pursuant to NR 417.07(4), as discussed below). Any such limit developed must be submitted to USEPA as a site-specific SIP revision.

(3) Emission Limits for New (after February 1, 1985) Sources (NR 417.07(3))

Content: (a) Coal-fired units—3.2 lbs/MMBTU;

(b) Residual oil-fired units—1.5 lbs/MMBTU;

(c) Kraft Mill (all process sources combined)—10.0 lbs/ton ADP;

(d) Sulfite mill (all process sources combined)—20.0 lbs/ton ADP;

(e) Petroleum refinery:

(1) Process heater firing residual oil—1.5 lbs/MMBTU;

(2) Fuel burning equipment firing residual oil—1.5 lbs/MMBTU;

(3) Claus sulfur recovery plant—0.025% by volume SO₂ at 0.0% oxygen on a dry basis if emissions are controlled by a reduction control system followed by incineration; 0.030% by volume of reduced sulfur compounds and 0.0010% hydrogen sulfide if emissions are controlled by a reduction control system which is not followed by incineration.

Action: USEPA proposes to approve.²

(4) More Restrictive Emission Limits (NR 417.07(4))

Content: Gives the State the authority to revise State rules to require more stringent emission limits if necessary to ensure no violations of the SO₂ NAAQS or PSD increment.

Action: USEPA proposes. The State must have authority to revise its own rules if necessary to protect the public health or welfare. Of course, all more stringent State limits necessary to protect the NAAQS and PSD increments must still be submitted to USEPA as site-specific SIP revisions. (Note, Administrative Orders containing more stringent emission limitations have been submitted by Wisconsin for several sources as site-specific SIP revisions. USEPA is proposing to approve most of the revisions.)

(5) Alternate Emission Limits (NR 417.07(5))

Content: Established State procedures for sources to obtain relaxed State emission limitations.

Action: USEPA proposes to approve these procedures. Of course, all relaxed State limits must still be submitted to USEPA as site-specific SIP revisions, also, the previous limit is enforceable

² Any new source, based on size capacity, will be also subject to applicable new source review requirements, including PSD and New Source Performance Standards (NSPS). The controlling limit, thus, will be whichever is the more stringent. Emission controls for new sources may also have to meet more stringent best available control technology (BACT) or lowest achievable emission rate (LAER) requirements.

¹ This rulemaking notice is taking no action on the overall plan for Wisconsin's nonattainment areas.

until the relaxed rule is federally approved by USEPA.

(6) Compliance Schedules (NR 417.07(6))

Content: Established schedules for achieving final compliance and the date for final compliance. All sources must be in final compliance by December 31, 1987.

Action: USEPA proposes to approve. Schedules and final dates are already past and, thus, are now no longer an issue (i.e., sources must be in compliance upon the effective date of Federal approval).

(7) Compliance Demonstrations (NR 417.07(7))

(a) **Content:** Requires each source to submit a plan for demonstrating compliance based on one or more of the following methods—stack tests, fuel sampling and analysis, continuous emission monitoring, or other methods approved by the State.

Action: USEPA proposes to approve Wisconsin's procedures for developing site-specific compliance methodologies. The individual compliance plans themselves must still be submitted to USEPA in order to revise the federally approved SIP. USEPA will then have the opportunity to approve or disapprove any methods approved by the State. Regardless of the specific compliance methodology chosen by a source, Wisconsin's SIP contains an independently enforceable stack test and that remains the primary Federal methodology for determining compliance unless and until Wisconsin submits and USEPA approves any alternatives.

(b) **Content:** Requires each source to maintain records of emissions data and calculations used to verify emissions data and to make records available upon request.

Action: USEPA proposes to approve. However, this provision is being relied on to require recordkeeping and reporting for several sources subject to a restriction on boiler operation or operating load. USEPA finds it necessary that the following sources be subject, at a minimum, to the recordkeeping requirements listed as follows:

1. Hourly records of fuel type—National Presto, Pope & Talbot—Eau Claire, Ansul Fire Protection, Kearney & Trecker, Koch Fuels, Allied Processors, and Beatrice Grocery;
2. Hourly records of actual heat input—Falls Dairy, Rexworks, and Greenwood Milk;
3. Records of hourly operating load and emissions in terms of lbs/MMBTU (obtained through either daily fuel

sampling analysis or continuous emission monitoring)—Badger Army Ammunition Plant and Milwaukee County Department H&HS;

4. Hourly records of both fuel type and emissions in terms of lbs/MMBTU (obtained through either daily Fuel Sampling Analysis or continuous emission monitoring)—Colt Industries.

This information is needed to determine compliance (or non-compliance) with the proposed emission limitations for these sources. Therefore, USEPA is proposing to disapprove Wisconsin's plan for these sources because the plan does not contain adequate recordkeeping requirements for these sources.

Note, Ansul Fire Protection, Badger Army Ammunition, Colt Industries, and Milwaukee County Department H&HS have variable emission limitations. USEPA is considering whether advance notification (prior to switching limits) and other additional requirements are necessary for enforcement purposes. USEPA solicits comment on the need for such notification or other requirements.

(8) Variance from Emission Limits (NR 417.07(8))

Content: Establishes State procedures for sources to obtain alternate State emission limitations and/or revised compliance schedules.

Action: USEPA proposes to approve these procedures. Any relaxed State limit or schedule must still be submitted to USEPA in order to revise the federally approved SIP.

(9) Subsequent Requests for Alternate Limits or Variances (NR 417.07(9))

Content: This subsection defines specific time periods for sources to obtain variances and alternate limits. Revisions are not available in 1986 and 1987.

Action: By letter dated December 15, 1989, Wisconsin withdrew this subsection from further SIP review. Thus, USEPA is not proposing action on this section. The State and USEPA understand the withdrawal to mean that all state issued SO₂ variances must be submitted to USEPA in order to revise the federally approved SIP.

B. Negative Declarations

The States submitted "negative declarations" for certain sources with respect to NR 147.07. Negative declarations are declarations which either impose fuel type restrictions (i.e., cannot burn residual oil or coal) on certain sources or identify other sources as being shut down or permanently closed. USEPA is proposing to include

these negative declarations into the SIP. These sources are listed in Table 2.

C. Sulfur Limitations for Nonattainment Areas

These are covered in separate rulemaking packages for each area and are not discussed here.

D. South East Wisconsin Coal Limit (NR 417.04)

Content: Coal-fired units (at facilities with combined coal-firing capacity less than 250 MMBTU/hr) are limited to 1.11 pounds of sulfur per MMBTU (2.22 lbs of SO₂ per MMBTU). Significant sources affected by county are: Racine County—Frank Pure; Kenosha County—American Motors Lakeside; Milwaukee County—Milwaukee House of Correction, Cudahy Tanning, Continental Can, and Falk (B20).

Action: USEPA proposes to approve this, based on the source-specific or county-specific demonstrations of attainment submitted (see Section IV of this notice).

E. Permit Limitations

The following sources are covered by operating permits or PSD permits which impose emission limitations that are more stringent than the general limits in NR 147.07:

District	County	Source (* = PSD)
West Central	Clark	Greenwood Milk (B20, 21). Lynn Proteins (B21).
	Dunn	Allied Processors (B21).
North Central	Portage	Neenah Paper-Whiting (B01).
	Wood	CPI-Biron,* CPI-Kraft.*
Northwest	Douglas	Koppers (B22).
	Price	Flambeau Papers (Pulp Mill).*
Southeast	Milwaukee	Peter Cooper.
	Racine	J.I. Case.
	Sheboygan	Borden.

Action: PSD permits have already been granted. Each source is subject to source-specific demonstration of attainment.

(Note, the following sources are subject to Federal NSPS requirements: WPL-Columbia (Unit 2), Appleton Papers-Locks Mill (New Boiler), WEP-Co-Pleasant Prairie (Units 1 and 2), Flambeau Papers (B24), WPL-Edgewater (Unit 5), and WPS-Weston (Unit 3)).

III. Compliance Test Methods

The Wisconsin SIP currently contains Section NR 154.06 (renumber NR 439) of the Wisconsin Administrative Code.³ Section NR. 154.06 requires:

(1) Reporting to "information to locate and classify air contaminant sources according to the type, level, duration, frequency and other characteristics of emissions and such other information as may be necessary. The information shall be sufficient to evaluate the effect on air quality and compliance with these rules."

(2) Stack or performance tests following the methods required or approved by USEPA.

(3) Recordkeeping and reporting of all testing and monitoring, and any other information relating to the emission of air contaminants.

On May 28, 1987, WDNR notified USEPA that the stack test methodology existing in the Wisconsin SIP remains an independent means of demonstrating compliance. Although WDNR has also required development of site-specific compliance plans for all sources subject to NR 417.07 [see NR 417.07(7)], the State has made it clear to USEPA and to each company that regardless of a source's compliance status as determined by the source's site-specific compliance methodology, a stack test can still be used as an independent method to determine whether a violation of the applicable emission limitation has occurred.⁴ USEPA accepts the use of a stack test as the sole compliance test method for most sources. (Note, the State's site-specific compliance plans were not submitted as revisions to the SIP and, thus, are not being proposed as a part of the SIP.)

For several sources, however, the State's control strategy is based on certain conditions in addition to the "lbs/MMBTU" emission limitation. These conditions consist of stack height increases/stack mergings, restrictions on operating load, boiler operation, limits as a function of operating load, etc. For the operating/load conditions, recordkeeping and reporting requirements will be required pursuant to NR 417.07(7)(b) and the general

requirements of NR 154.06 (now NR 439), as noted previously. For the stack modifications, WDNR on August 21, 1987, stated that all stack height increases, new stacks, or stack mergings have already occurred.

IV. Attainment Demonstration

The State performed dispersion modeling to verify the adequacy of the categorical emission limits (NR 417.01(2)) or to establish more stringent limits in accordance with a modeling protocol approved by USEPA. To support alternate emission limits (i.e., higher than categorical), each company was required to perform a modeled attainment demonstration. These demonstrations generally followed the generic State-USEPA protocol and USEPA modeling guidelines, including block averaging for the 3-hour and 24-hour SO₂ NAAQS.⁵

A. Categorical/More Stringent Limits to Modeling

For screening analyses, the Point Source Gaussian Diffusion Model (PTPLU)⁶ or VALLEY was used and, for refined analyses, the Industrial Source Complex Short Term Model (ISCST) was used. (Note, in Milwaukee, ISCST urban was used.) Several comments on the modeling analyses should be noted. First, the State's attainment demonstration for the Wisconsin's Public Service Weston plant in Marathon County relied on both modeling and monitoring data. The USEPA reference model (ISC) was used to show attainment at receptor locations below the physical stack heights. Monitoring data was used to assess the validity of the available models and to show attainment at the critical terrain feature above the physical stack height. USEPA proposes to accept this combined use of modeling and monitoring data to demonstrate attainment here.

Second, the State's modeling for the following sources predicted violations of the SO₂ NAAQS.

University of Wisconsin—Milwaukee

Southern Wisconsin Center
Outboard Marine Corporation—Evinrude
S.C. Johnson
Menasha Electric
Plastics Engineering
American Milk Products—Blair Cheese
Richland Center Municipal
Appleton Papers—Appleton
Ore Ida
Consolidated Papers—Wisconsin River
Division
Mosinee Papers
Allis Chalmers

To correct these violations, operating restrictions or additional emission limitations were developed. The conditions were only included in the State's compliance plans, which as noted above will *not* be included in the SIP, in accordance with a mutual agreement between USEPA and the State. Without these conditions, the proposed regulation does *not* ensure attainment of the SO₂ NAAQS. USEPA proposes to disapprove the State's regulation for these sources based on the modeled violations.

Third, the State's plan for American Motors-Kenosha (Main) and Northern States Power-Ashland is not approvable because: (1) The modeling analysis is deficient (e.g., not all allowable emission limits were modeled), and (2) a compliance methodology capable of accounting for the wide variability in emission limitations was not provided. USEPA proposes to disapprove the State's regulation for these sources based on a deficient attainment demonstration and a deficient compliance methodology.

1. PSD Increment Analysis

Pursuant to USEPA's PSD regulations, SIP relaxations submitted after June 19, 1978, must be evaluated for increment consumption. Because this SIP revision establishes emission limitations where, is general, none now exist, no increment analysis is required. (Note, the State did consider whether their allowable emission limits would exceed actual baseline emissions in those counties where the baseline data had been triggered. This preliminary analysis identified no serious threat to the available increment in the baseline counties.)

2. Interstate Impact Analysis

The Clean Air Act requires that the Wisconsin SIP not allow emissions which will prevent attainment or maintenance of the NAAQS in any other State. Generally, Gaussian models are accurate for setting emissions for a

³ References to the Wisconsin SIP are found at 40 CFR 52.2570.

⁴ In a May 28, 1987, letter, WDNR's states that a compliance demonstration method other than a stack test does not insulate the source from a compliance stack test required or conducted by WDNR and USEPA. In fact, in approving compliance plans, the WDNR has included a notice to the source that a source can be required to perform a compliance stack test "regardless of a source's compliance status as determined by the source's site specific compliance methodology in the approved plan."

⁵ The modeling techniques used in the demonstrations supporting these regulations are based on the modeling guidelines in place at the time that the analyses were performed (i.e., "Guideline on Air Quality Models", April 1978 and "Regional Workshops on Air Quality Modeling: A Summary Report", April 1981). Since that time, revisions to the modeling guidelines have been promulgated ("Guideline on Air Quality Models [Revised]", July 1986 and "Supplement A to the Guideline on Air Quality Models [Revised]", July 1987). Because the modeling was initiated and generally completed prior to these revisions of the guidelines, USEPA accepts the analyses as they stand.

⁶ Gaussian is a statistical term for a normally distributed curve.

maximum useful distance of 50 km.⁷ Sources within 50 km of another State are located in 27 counties—the 26 counties on the northern, western, and southern edge of the State, plus Racine County. For the 26 border counties, the State's analyses either: (1) Demonstrated attainment at receptors located in the other State, or (2) implied attainment in the other State (e.g., modeled attainment in Wisconsin, decreasing concentration gradient in the direction of the other State, and no other sources between those modeled in Wisconsin and the other State). Racine County sources are indirectly included in the Kenosha County analysis via the monitored background concentrations, thus, the Kenosha County interstate impact analysis also serves as the Racine County analysis.

3. Consistency with GEP Regulations

USEPA's July 8, 1985, stack height regulations apply to stacks (and sources) which came into existence and dispersion techniques implemented on or after December 31, 1970.⁸

Stack height credit for the purpose of establishing an emission limitation is restricted to the lesser of actual or good engineering practice (GEP) formula height. Credit for merged stacks is generally prohibited, with the following four exceptions:

(1) Where total plantwide allowable SO₂ emissions do not exceed 5000 tons per year.

(2) Where the facility was originally designed and constructed with merged gas streams.

(3) Where such merging was before July 8, 1985, and was part of a change in operation that: (i) included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and (ii) did not result in an increase in the emission limitation or (if no limit was in existence prior to merging) in the actual emission, or

(4) Where such merging was after July 8, 1985, and was part of a change in operation at the facility that includes the

installation of pollution controls and is accompanied by a net reduction in the allowable emissions for the pollutant affected by the change in operation.

Wisconsin's stack height review for all areas (except Buffalo County, Green Bay/DePere, Peshtigo, Rhinelander, and Rothschild) is summarized below.

There are 52 stacks that exceed 213 feet. Wisconsin certified that 41 stacks were in existence before December 31, 1970 (based on information in State case files, knowledge by State personnel, or discussions with individual companies) and nine stacks are at or below the GEP formula height (based on plot plans available in State case files). The remaining two stacks are:

(1) University of Wisconsin-Madison (Walnut Street): The State remodeled this stack at the GEP formula height. Although no violations were predicted due to this source, violations were predicted due to the UW-Madison (Charter Street) plant. A revised limit of 3.18 lbs/MMBTU appeared to be required for UW-Madison (Charter Street). On October 17, 1986, the State submitted an Administrative Order as a site-specific SIP revision for UW-Madison (Charter Street). USEPA proposes to approve this limit, 3.18 lbs/MMBTU, as part of Wisconsin SIP.

(2) Wisconsin Power & Light-Columbia: The State remodeled the stack for Unit 2 at the GEP formula height. This analysis showed attainment of the NAAQS with Unit 2 at the categorical limit (3.2 lbs/MMBTU) and GEP formula height.

There are 27 sources with plantwide allowable SO₂ emissions greater than 5000 tons per year. Wisconsin certified that there is one stack per unit at two facilities, that a stack was originally designed and constructed with merged gas streams at one facility, and that stacks serving multiple units were in existence before December 31, 1970 at 18 facilities (based on information in State case files, knowledge by State personnel, or discussions with individual companies). The remaining 6 facilities are:

(1-3) Wisconsin Power & Light-Edgewater; Consolidated Papers-Kraft; and Mosinee Papers: No justification provided for merged stacks. Edgewater and CPI-Kraft were modeled without merged stack credit. USEPA proposes to disapprove the State's plan for Mosinee Papers because the State's attainment demonstration inappropriately relied on merged stack credit.

(4) Consolidated Papers—Biron: Installation of nozzles on the two stacks was found to not result in an increase in final plume rise.

(5) Oscar Mayer: On October 17, 1986, the State submitted an Administrative Order as a site-specific SIP revision for Oscar Mayer of 4500 tons per year (in addition to Oscar Mayer's federally enforceable emission limitations approved by USEPA on April 9, 1981, (46 FR 21165) and April 13, 1982, (47 FR 15783)). Thus, merged stack credit can be granted. USEPA proposes to approve this limit as part of the Wisconsin SIP.

(6) Owens-Illinois: On March 1, 1988, the State submitted information provided by Owens-Illinois which attempts to affirmatively demonstrate that merged stacks were not significantly motivated by an intent to obtain emissions credit for increased dispersion. This information consisted of affidavits by plant personnel, State construction and operating permits, internal company memos, and correspondence between the State and company. Based on this affirmative demonstration, USEPA proposes to approve credit for merged stacks for this source.

In addition, the control strategy for several sources involves stack height increases or stack mergings. A summary of these cases is provided below.

National Presto, Chippewa County (raise 2 stacks to 55 feet or restrict boiler operation)
 Bush Bros, Eau Claire County (raise 2 stacks to 75 feet)
 Beatrice Cheese, Wood County (raise 1 stack to 83 feet)
 Niagara of Wisconsin, Marinette County (raise 1 stack to 191.3 feet)
 Midtec Papers, Outagamie County (raise 1 stack to 120 feet)
 Gilbert Papers Winnebago County (raise 1 stack to 200 feet)
 Kimberly Clark-Neenah, Winnebago County (raise 2 stacks to 60 feet)
 Thilmany Paper, Outagamie County (raise 1 stack to 290 feet)
 Waste Research & Reclamation, Eau Claire County (combine 2 stacks to 1-60 foot stack)
 Kimberly Clark-Lakeview, Winnebago County (combine 2 stacks to 1-46 foot stack)
 Consolidated Papers-Kraft, Wood County (vent Rec Boiler No. 1 exhaust from 90.8m stack to new 91.2m stack)
 Pope & Talbot-Eau Claire, Eau Claire County (raise 2 stacks to 213 feet)

All of the stack height increases (new taller stack for existing units(s)), except Thilmany Papers, are fully creditable because either the new stack is less than or equal to the *de minimis* height (213 feet), or the modeled stack height is limited to the grandfathered height. The stack height increase at Thilmany

⁷ References to the 50 km limit are in "Guideline on Air Quality Models [Revised]", EPA-450/2-78-027R7-86.

⁸ Certain provisions of these rules were remanded to USEPA in *NRDC v. Thomas* 838 F.2d 1224 (D.C. Cir 1988). These are grandfathering stack height credits for sources who raise their stacks prior to October 1, 1983, up to the height permitted by GEP formula height (40 CFR 51.100 (kk) (21)), dispersion credit for sources originally designed and constructed with merged or originally designed and constructed with merged or multi-flue stacks, (40 CFR 51.100 (hh) (2) (ii) (A)), and grandfathering credit for the refined (H + 1.5L) formula height for sources unable to show reliance on the original (2.5H) formula (40 CFR 51.100(ii)(2)).

Papers occurred after October 11, 1983. According to the Stack Height Regulations, credit for a stack height increase up to formula height after this date must be supported by evidence that additional stack height is necessary to avoid down wash-related concentrations raising health and welfare concerns. Based on a fluid modeling study performed by the company which demonstrated excessive concentrations at the existing stack height, USEPA is proposing to approve the additional stack height credit at Thilmany Papers. The two stack mergings (Waste Research & Reclamation and Kimberly Clark—Lakeview) are fully creditable because the plantwide allowable SO₂ emissions for these two sources are less than 5000 tons per year.

USEPA is proposing to approve all of the above as meeting the requirements of USEPA's July 8, 1985, stack height regulations. However, CPI-Biron, Wisconsin Electric Power Company—Pleasant Prairie, WPL—Columbia), provisions under which USEPA is proposing to approve granting credit have been remanded to the USEPA.⁹ The grandfathering of GEP formula height credit for pre-1983 stack height increases (40 CFR 51.100(kk)(2)) is applicable to Edgewater and Biron,

grandfathering credit for the refined GEP formula height (40 CFR 51.100(ii)(2)) is applicable to Columbia, and the original design and construction exemption (40 CFR 51.100(hh)(2)(ii)(A)) for merged stacks is applicable to Pleasant Prairie.

Although USEPA today proposes to approve the emission limits for these sources on the grounds that they satisfy the applicable Section 110 requirements of the Clean Air Act, USEPA also today provides notice that the emission limits are subject to review and possible revision as a result of *NRDC v. Thomas*, 838 F.2d 1224 (1988), where the U.S. Court of Appeals for the D.C. Circuit held that USEPA had not adequately explained certain provisions of its July 8, 1985, regulations and remanded these provisions to USEPA for further proceedings consistent with its opinion. If USEPA's response to the *NRDC* remand modifies the applicable July 8, 1985, provision(s), USEPA will notify the State of Wisconsin whether the emission limit for Edgewater, Biron, Pleasant Prairie, and Columbia must be reexamined for consistency with the modified provision. USEPA's proposed approval for these facilities' emission limits today is intended to avoid delay in the establishment of federally enforceable emission limits, while

awaiting resolution of the *NRDC* remand.

Finally, as part of WDNR's stack height review, numerous other sources have already been determined to be exempt from the Stack Height Regulations (i.e., mergings at plants with total allowable emission less than 5000 tons per year and stack height increases or new stacks less than 213 feet). (Note, there are stack height issues associated with some sources covered by NR 418, which will be addressed in the technical support documents for each area.)

The only alternate limits (higher than categorical) submitted by WDNR are for the following sources:

Consolidated Papers—Biron
Thilmany Papers
Pope & Talbot—Eau Claire
Owens—Illinois
Dairyland Power—Genoa
Wisconsin Power & Light—Edgewater

Modeling to support the alternate limits was provided by WDNR. USEPA's review and acceptance of this modeling is discussed in USEPA's Technical Support Document. In general, the modeling, performed in accordance with the applicable guidelines, demonstrates that the higher limits will provide for attainment and maintenance of the SO₂ NAAQS. USEPA is, therefore, proposing to approve the limits for each source.

TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS

County	Source	Emission limitation ¹⁰
West Central District:		
Chippewa	Genstar	B21 (3.0), B22 (3.0).
	Falls Dairy	Proposed Disapproval.
	Leinenkugel's	B20/S10 (3.61).
	National Presto	Proposed Disapproval.
Clark	North Wisconsin Center for Develop Disabled	B20,21,22/S10 (4.2), B23/S10 (3.0).
	Greenwood Milk	Proposed Disapproval.
	Lynn Proteins	B20 (3.0), B21 (1.5% S).
Crawford	Iverson Number 6	Burne (3.0).
Dunn	Allied Processors	Proposed Disapproval.
	Beatrice Grocery	Proposed Disapproval.
	Knapp Creamery	B20 (3.0).
	UW-Stout	B21,22 (5.5).
Eau Claire	Bush Brothers	B20 (3.0) stack raised to 75 feet and B21 (3.0) stack raised to 75 feet.
	Eau Claire Asphalt	Boiler number 1 (3.0).
	Luther Hospital	B23,24 (3.0).
	Pope & Talbot-Eau Claire	Proposed Disapproval.
	Unroyal	B20,21/S 10 (2.25).
	UW-Eau Claire	B20,21/S (4.5), B22/S 18 (3.0).
	Waste Research & Reclamation	B20/S 18 (2.3)), B21/S 19 (2.3)), stacks merged to new 60 foot stack.
		B22 (3.0), B23 (3.0).
Jackson	South Alma Cheese	B20,21 (5.5).
LaCrosse	Holy Cross Seminary	B21/S 52 (cannot burn coal), B22/S 53 (4.36), B23/S 54 (4.36), B24/S 55 (4.36), B20/S 10 (1.5) or (1.78) if load restricted to 29 MMBTU/hr, record-keeping required.
	Trane 2-5, 7	

⁹ As stated earlier, certain provisions of these rules were remanded to USEPA in *NRDC v. Thomas*, 838 F.2d 1224 (D.C. Cir. 1988). These are: grandfathering stack height credits for sources who

raise their stacks prior to October 1, 1983, up to the height permitted by GEP formula height [40 CFR 51.100(kk)(2)]; dispersion credit for sources originally designed and constructed with merged or

multi-flue stacks [40 CFR 51.100(hh)(2)(ii)(A)]; and grandfathering credit for the refined (H-1.5L) formula height for sources unable to show reliance on the original (2.5H) formula [40 CFR 51.100(ii)(2)].

TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS—Continued

County	Source	Emission limitation ¹⁰
	Trane 8	B20/S 10 (5.5), B21/S 11 (0.6) or (1.75) if restricted to combined 12 MMBTU/hr B22/S 12 (0.6) or (1.75) if restricted to combined 12 MMBTU/hr recordkeeping required.
	Webster Industries	B24 (3.0).
	Saint Rose Convent	S10 (3.0).
	UW-LaCrosse	B20,21 [(3.65) coal, (1.99) oil].
	G. Heileman	B20,21 (2.15), B25 (2.15).
Monroe	Fort McCoy	Boilers 1-3 (3.2).
	Golden Guernsey	B22/S13 (1.73).
Papin	None.	
St. Croix	Domain	B20 (3.0), B21 (3.0).
	Friday Canning	B20 (3.0).
Trempealeau	AMP-Blair Cheese	Proposed Disapproval.
Pierce	UW-River Falls	B20,21 (5.5).
Vernon	Dairyland Power-Genoa	B20/S10 [(5.6) 24-hour average, (5.5) 30-day average].
North Central District:		
Adams	None.	
Forest	None.	
Juneau	None.	
Langlade	None.	
Lincoln	Owens-Illinois	B24,27,28 (5.5), B25 (1% S) and 84.59 pounds/hr (oil firing restricted to 80 MMBTU/hr), B29 (1% S).
	Ward Paper	B20,21/S10 (5.5).
Marathon	Mosinee Papers	Proposed Disapproval.
	Weyerhaeuser/Reed Lignin	Subject to NR 154.12 (10).
	WPS-Weston	B20/S10 (3.2), B21/S11 (3.2), B22/S12 (1.2).
	Wausau Paper	Subject to NR 154.12 (4).
Oneida	McNaughton Correctional Center	Boiler 1 (3.0).
	Rhinelanders Papers	Subject to NR 154.12 (9).
Portage	American Potato	Boiler 1 (3.0).
	CPI-Wisconsin River Division	Proposed Disapproval.
	Dol-Monte	B01 (0.19), B02 (0.19).
	Neenah Paper	B21/S10 (3.0).
	Whiting	B01/S01 (55 lbs/hr).
	Ore-Ida	Proposed Disapproval.
	SNE-Stevens Plant	B20/S10 (5.5).
	UW-Stevens Plant	B01,02/S10 (5.5).
Vilas	None.	
Wood	Bestrice Cheese	Boiler 1 (3.0) new 83 feet stack.
	CPI-Biron	B005 (1.2) operates with either B001, 2, 3 or B004; B001, 2, 3 (6.0), B004 (6.0).
	CPI-Kraft	P30/S13 (40 parts per million dry volume (ppmdv), 6.9 lbs/hr)—new 65 m stack, Number 3 Recovery boiler (158 ppmdv, 114.6 lbs/hr)—new 91.2 m stack P38/S 21 (24 ppmdv, 2.3 lbs/hr), Numbers 1,2 Power Boilers (1.71), Number 1 Recovery boiler (5 lbs/Ton ADP)—to be vented to new 91.2 m stack, Number 2 Recovery boiler (5 lbs/Ton ADP), Numbers 1,2 smelt Dis. Tanks (0.1 lbs/Ton ADP) new 63.4 m stack.
	Nekoosa Papers	B20,21,24/S 10 (3.0).
	Port Edwards	B25/S 13 (3.0), P30/S 11 (1633 lbs/hour, 24-hour average), Misc. Process Sources (12.1 lbs/hour, 24-hour average).
	St. Joseph Hospital	B01,02 (5.5), B03,04 (3.0).
Northwest District:		
Ashland	Northern States Power	Proposal Disapproval.
Barron	AMPT-Turtle Lake	B20 (3.0), B21 (3.0).
	Morning Glory Farms	Boilers 1,2 /S 11 (5.5).
	Seneca Foods	B10/S 10 (1.5), B11/S 11 (0.5% S), B20, 21, 22 to be shutdown recordkeeping/reporting required, B10 can only burn oil from June-October (limited to 4575 gal/day).
Bayfield	None.	
Burnett	Burnett General Hospital	B20,21 (3.0), B22 (3.0).
Douglas	Middle River Health Facility	B20,21 (5.5).
	Parkland Health Facility	B21,22 (5.5).
	Koppers	B22/S 11 (2% S), B21 (3.0).
	UW Superior	B20,21 (5.5).
	Superior WL&P	B20,21 (1.5).
Iron	None.	
Polk	Wisconsin Dairies	B20/S 10 (1.21), B21/S 11 (1.21), B22/S 12 (1.21)
Price	Flambeau Papers	B20 (1.5), B22 (1.5), B23 (1.5), B24 (1.2), Pulp Mill (65.4 lbs/hr).
	Lionite Hardboard	B20/S 10 (1.13).
Rusk	Norco Windows	B20,21 (5.5).
Sawyer	None.	
Taylor	None.	

TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS—Continued

County	Source	Emission limitation ¹⁰
Washburn	None.	
Southern District:		
Columbia	Davis Construction	Burner (3.0).
	NE Asphalt 52	Burner (3.0)
	Wisconsin Power & Light Columbia	Unit 1 (3.2), Unit 2 (1.2), [Also, combined emissions restricted to 15,200 lbs/hr (3-hr average) and 12,500 lbs/hr (24-hr average)].
Dane	Capital Heating Plant	Subject to NR 154.12(5).
	Consolidating Paving	Burner (3.0)
	Delltown Chemurgic	B21, 22, 23/S 11 (3.0)
	DRS Services	Burner (3.0)
	Hillfarm Heating Plant	Subject to NR 154.12(5).
	Mendota Mental Health	Subject to NR 154.12(5).
	MGE-Bount Street	Subject to NR 154.12(5).
	Oscar Mayer	Subject to NR 154.12(5), July 22, 1986, Administrator Order, and 47 FR 15783.
	Payne & Dolan 6-Deforest	Burner (3.0).
	Payne & Dolan 32-Verona Road	Burner (3.0).
	UW-Madison Walnut Street	Subject to NR 154.12(5).
	Webcrafters	B20/S12 (3.0).
	UW-Charter St	(3.16).
Dodge	Amber Labs (Universal Foods)	B22/S 10 (1.5), B21/S 11 (0.5).
	John Deere	Boiler 1 (1.33), Boiler 2 (1.33), Boiler 3 (1.33).
	NE Asphalt Horizon	Burner (3.0).
	Waupun Corr Institute	B21,22,23/S 10 (5.5).
Grant	DP-Stoneman	B21, 22/S 11 (2.81).
	Iverson 4, 5	Burner (3.0), Burner (3.0).
	UW-Platteville	B22, 23 (5.5).
	WPL-Dewey	B21, 22/S 11 (3.2).
Green	Iroquis Frndy	P31/S 11 (0.75).
Iowa	Stokeley-Cobb	B21, 22, 23/S 10 (5.5).
Jefferson	Carnation	B21/S 11 (0.58), B22/S 12 (0.58).
	Stoppenbach	B21/S 11 (5.5).
	Lake Mills Blacktop	Burner (3.0).
	UW-Whitewater	B20, 21/S 10 (5.5).
Richland	Richland Center Municipal	Proposed Disapproval.
Rock	Beloit Corporation	B20, 21, 22/S 10 (3.0).
	Colt Industries	Proposed Disapproval.
	Frank Brothers	Burner (1.42).
	General Motors	B21,22,23,24,25/S 12 (3.0).
	Hormel	B20/S 10 (0.65), B21/S 11 (0.65), B22/S 12 (0.65).
	WPL-Blackhawk	B23,24/S 10 (3.2).
	WPL-Rock River	B21/S10 (0.32), B22/S11 (3.2).
	Rock Road Con	P01/S01 (0.348).
Sauk	Grede Foundries	Furnace (5.5).
	U.S. Badger Ammunition Standby Mode	Mobilized Mode B01/S01.
	Off	(0.5) B05/S05, off (0.5), B06/S06.
	(1.5)	(0.5) B09/S09.
	(1.5)	(0.5) B10/S10.
	Off	(2.58) B13/S13.
	Off	(2.58) B14/S14.
	(1.5)	(0.5) B16/S16.
	(1.5)	(0.5) P02/S19.
	Off	Uncontrolled P06/S23.
	Off	95 percent control.
Fond du Lac	N.E. Asphalt Eden Burner	Burner (3.0).
	N.E. Asphalt Ripon Burner	Burner (3.0).
	Wisconsin State	B20/S10 (1.6).
	Taycheedah	
Green Lake	Berlin Foundry	P31/S10 (1.19).
	Berlin Tanning	B10/S10 (2.28).
Marquette	None.	
Lafayette	None.	
Lake Michigan District:		
Brown	Green Bay Institute	S10 (5.5).
	Green Bay Packaging	NR 154.12(7).
	Fort Howard	NR 154.12(7).
	James River	NR 154.12(7).
	Nicolet Paper	NR 154.12(7).
	P&G-East River	NR 154.12(7).
	P&G-East River	NR 154.12(7).
	St. Vincent Hosp	B24/S10 (3.0).
	WPS-Pulliam	NR 154.12(7).
	Koch Fuels	Proposed Disapproval.
Calumet	None.	
Door	None.	
Florence	None.	
Manitowoc	Manitowoc Co-S Work	B20,21/S10 (3.38) (Coal).

TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS—Continued

County	Source	Emission limitation ¹⁰
	Manitowoc Co	B23/S15 (1.5% S), B20,21,22—249 T/Y (combined), B20/S10, B20/S11, B22/S12 (1.18) (each), 70 gal number 6 oil/hr (each).
Marquette	Manitowoc Public Utility	B25 (3.2), B26 (3.2), B27 (3.2).
	Ansul Fire Protection	Proposed Disapproval.
	Badger Papers	NSR 154.12(8).
	Niagara of Wisconsin	Boiler 1-3/S 11 (3.2), Boiler 4/S 12 (3.2)-raise stack to 58 m.
	Scott Paper	Boiler #5 (5.5).
Menominee	None	
Oconto	Scott Papers	B26/S10 (5.5).
Outagamie	Appleton Papers Appleton	Proposed Disapproval.
	Appleton Papers-Locks Mill	Boilers 7, 8, 9, (1.5), Boiler-new (1.2).
	Fox River Papers	B21 (1.19), B22 (3.0).
	Kerwin Papers	B20 (5.5).
	Midtec Paper	B21, 22 (3.2), B23 (1.5), B24 (1.5)-raise stacks to 120 feet.
	Sanger Powers Correctional Center	B01, 02/S1 (2.90) (Coal).
	Thilmany Papers	B07/S7, 92.7 lbs/24 hr, B08/S8, B10/S10 (466.3 lbs/24 hours), B09/S9, B11/S9 (7.0), B09/S09 and B11/S09 (865.4 pounds/ 24hrs if stack height >290 feet (1.7)-if 175 feet <stack height <290 feet, Also: Numerous fuel type restrictions.
Shawano	Shawano Papers	S10 (3.0), S12 (3.0).
Waupaca	FWD	B21/S11 (0.95) (residual fuel oil), B22/S12 (0.95) (residual fuel oil), B23/S13 (0.95) residual fuel oil).
Waushara	None	
Winnebago	Galloway	Stack 1 (3.0), Stack 2 (3.0).
	Gilbert Paper	B22, 23/S10 (3.2) (Coal), B24 (3.0)-stack height >200 feet, B24 (2.0)-80 feet <stack height <200 feet, B25 (0.5).
	Kimberly Clark-Lakeview	Stack #1 (3.0), Stack #5 (3.0)—merge into existing 48 foot stack.
	Kimberly Clark-Neenah	B21/S11 (0.35)—raise stacks to 60 feet, B22/S12 (0.35)-raise stacks to 60 feet.
	Menasha Electric	Proposed Disapproval.
	PH Glatfelter	Boiler 1 (1.5) (number 6 oil), Boilers 2-4 (1.5) (number 6 oil).
	US Paper Mills	B21/S10 (4.22) (Coal).
	UW-Oshkosh	S10 (5.5) categorical limit (Coal).
	Winnebago Mental Health	S10 (5.5) categorical limit (Coal).
	Neenah Foundry	P30, 31 (5.5)—Cannot operate simultaneously, P32, 78 (5.5)—Cannot operate simultaneously.
Southeast District:		
Kenosha	American Brass	B20,21,22 (3.0), B23 (3.0).
	AM Motors Lakeside	B20,21,22 (2.22).
	AM Motors Main	Proposed Disapproval.
	UW-Parkside	B20,21,22,23/S10 (0.57).
	WEPCo-Pleasant Prairie	B20,21 (1.2).
Milwaukee	A.O. Smith	S13 (1.72).
	Acme Galvanizing	P30/S12 (3.0), P31/S13 (3.0).
	Aldrich	B20,23/S10 (3.0).
	Allen Bradley	B20/S10 (3.0).
	Allis Chalmers	Proposed Disapproval.
	Amercian Can	B20/S19 (1.32), B21/S20 (1.32), B22/S18 (1.32).
	AM Motors	B20/S10 (0.79) 24 hour/(3.0) 3-hour.
	Milwaukee	B22/S10 (0.79) 24 hour/(3.0) 3-hour, B23/S22 (1.33) 24 hour/(3.0) 3-hour.
	Continental Can	B22 (2.22).
	Cudahy Tanning	B20 (2.22), B21 (2.22).
	Eaton/Cutler	B20,21,22/S10 (1.51).
	Falk	B20 (2.22), B21 (3.0), B22 (3.0).
	General Electric	B20,21,22/S11 (3.0).
	JC Penney	B20,21 (3.0).
	Kearney & Trecker	Proposed Disapproval.
	Ladish	B20,21/S10 (3.0), B23,22/S14 (3.0).
	Miller Brewing	S10/(1.5).
	Milwaukee County Institution	B21/S11, B22/S12, B23/S13 (1.85), B21/S11, B22/S12 (2.729), B22/S12, B23/S13 (2.729), B21/S21, B23/S23 (2.729).
	Milwaukee House of Correction	B20 (2.22), B21 (2.22).
	OMC-Evinrude Foundry number 2, 5	Proposed Disapproval.
	Pabst	S10 (1.5).
	Patrick Cudahy	B20/S10 (2.78), B22/S11 (2.78), B24/S14 (2.78).
	Peter Cooper	B22 (1.9), B23 (1.9), restricted to 86 pounds/MMBTU, recordkeeping required.
	Pfister & Vogel	B20/S10 (3.0).
	Rexworks	Proposed Disapproval.
	Safeway Steel	B20/S10 (3.0).
	Unit Drop Forge	B20/S10 (3.0), B21/S11 (3.0).

TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS—Continued

County	Source	Emission limitation ¹⁰
	Universal Food (Red Star Yeast)	B20,21,22/S10 (3.0).
	UW-Milwaukee	Proposed Disapproval.
	Vilter-Manufacturing	B20/S10 (1.28), B21/S11 (1.28).
	WEEPCo Oak Creek	S11 (3.2), S12 (3.2), S13 (3.2), S14 (3.2).
	WEPCo-Valley	Subject to 154.12(6).
	Wisconsin Paperboard	B20/S10 (3.0).
Ozaukee	WEPCo	B24,25/S16 (3.2).
	Port Washington	B21,22,23/S17 (3.2).
Waukesha	None.	
Washington	Carbon Engineering	B20 (5.5).
Sheboygan	Borden	B21/S10 (1.75%)→, B21/S11 (1.75%)→ can not operate boilers simultaneously on number 6 oil; recordkeeping required.
	Kohler	B20,22,23 (3.0).
	Plastics Engineering	Proposed Disapproval.
	WPL-Edgewater	B23,24 (6.6) 24-hour average/(4.07) 30-day average, B25 (1.2).
Racine	Frank Pure	B20 (2.22).
	Jl Case	B21/S11 (0.9% S), B22/S19 (0.9% S).
	SC Johnson	Proposed Disapproval.
	Western Publishing	B20 A,B/S10 (2.18), B21/S11 (2.18).
	Southern Wisconsin Center	Proposed Disapproval.

TABLE 2.—NEGATIVE DECLARATIONS

County	Source	Fuel type restriction
<i>Lake Michigan District:</i>		
Brown	C. Reiss	Permanent shutdown.
	UW—Green Bay	Not allowed to burn coal or residual oil.
Kewaunee	Algoma Hardwoods	Not allowed to burn coal or residual oil.
Marquette	Rodman Industries	Wood, waste/natural gas.
	Ansul Fire Protect	B23 (natural gas/number 2 oil).
Manitowoc	Man Public Util.	Two diesel engines.
Oconto	Scott Papers	Natural gas/number 2 oil.
Outagamie	Roloff	Permanent shutdown.
	Consolidated Papers—Appleton	Not allowed to burn coal or residual oil.
	Stokely—Appleton	Not allowed to burn coal or residual oil.
	Midtec Paper Dryers	Number 2 oil.
Waupaca	Wisconsin Veteran Home	Not allowed to burn coal or residual oil.
Winnebago	American Can—Neenah	Not allowed to burn coal or residual oil.
	Eggers Industrial	Wood waste/natural gas.
	James River—Canal	Not allowed to burn coal or residual oil.
	Wisconsin Tissue Mills	Not allowed to burn coal or residual oil.
	American Can—Menasha	No oil firing capabilities.
<i>West Central District:</i>		
Chippewa	Mid-American	Permanent shutdown.
	Dairyman (coal boiler)	
	National Presto (B20, 21, 24, 25)	Natural gas.
Dunn	UW—Stout	B20, 23 (gas, number 2 oil).
Eau Claire	Armour	Number 2 oil.
	Eau Claire Foundry	Permanent shutdown.
	Hibernia Brewing	Not allowed to burn coal or residual oil.
La Crosse	G. Heilman Malting	Permanent shutdown.
	G. Heilman	B26 Natural gas, number 2 oil.
	Paper Calmenson	Number 2 oil.
	Trane Number 2-5 (B21)	Number 2 oil.
	Webster Wood Preserving	Number 2 oil.
	UW—LaCrosse	B22 Natural gas, number 2 oil.
Pierce	UW—River Falls	B22 Natural gas, number 2 oil.
St. Croix	Friday Canning	B20, Number 2 oil/natural gas.
	St. Croix Health Center	Not allowed to burn coal or residual oil.
Trepeauleau	A.G. Coop Creamery	Number 2 oil.
	Whitehall Foods	Permanent Shutdown.
	AMPI—Blair Whey	Natural gas.
<i>North Central District:</i>		
Marathon	Conner Forest Industries	Permanent shutdown.
	Edelweiss Cheese	Wood Waste/natural gas.
Portage	UW—Stevens Plains	B03/S10, natural gas/number 2 oil, B04/S11, natural gas/number 2 oil.
Wood	Weyerhaeuser	Natural gas.
	Rothhome	Permanent shutdown.
	Marshfield Electric	Permanent shutdown.
<i>Northwest District:</i>		
Ashland	Ashland Timbers (Boilers)	Permanent shutdown.
	Louisiana Pacific Mellen	Number 2 oil.
	James River	Number 2 oil.
Barron	Knetter Cheese	Permanent shutdown.

TABLE 2.—NEGATIVE DECLARATIONS—Continued

County	Source	Fuel type restriction
Douglas	Superior WLP	Number 2 oil.
Polk	Land-O-Lakes	Number 2 oil/natural gas.
Rusk	Pope & Talbot	Number 2 oil.
<i>Southern District:</i>		
Beloit	Beloit Corporation (Foundry)	Permanent shutdown.
Columbia	Stokely—USA	Number 2 oil.
Dane	Wisconsin Porcelain	Permanent shutdown (coal-fired boiler).
	Wolf Paving	Number 2 oil.
	DL Gasser Number 101 (Mathy Construction)	Number 2 oil.
Dodge	Baker Canning	Permanent shutdown.
	Kraft—Beaver Dam	Number 2 oil.
	M&M Gray Iron Foundry	Permanent shutdown.
	Royer Brands	Permanent shutdown.
	Waupun Corr.	B24/S10, number 2 oil/natural gas.
Fond du Lac	Western Lime & Cement—Knowles	Permanent shutdown.
	Fond du Lac County Highway	Number 2 oil.
	Wis. State Taycheedah	B21/S11, B22/S12 natural gas/number 2 oil.
	Ram Construction	Permanent Shutdown.
	Western Lime & Cement—Eden	Permanent Shutdown.
	Galloway West	Number 2 oil/natural gas.
Grant	UW—Platteville	B21, natural gas.
Jefferson	UW—Whitewater	B24/S11 number 2 oil/natural gas, B22/S10 number 2 oil/natural gas, B23/S10 natural gas only.
Rock	Baker Manufacturing	Permanent shutdown (coal-fired boiler).
<i>Southeastern District:</i>		
Milwaukee	AC Spark Plug	Number 2 oil.
	Alton Packaging	Natural gas.
	Am Linen & Supply	Natural gas.
	Harley Davidson	Permanent shutdown.
	Inryco	Number 2 oil.
	Ladish	(B24, B25) Not allowed to burn coal, residual oil.
	Milwaukee Forge (Boilers)	Permanent shutdown.
	Master Lock	Not allowed to burn coal, residual oil.
	Peter Cooper	B20, 21, 24 (gas).
	P&V Atlas	Permanent shutdown.
	Steiner	Number 2 oil.
	Teledyne	Natural gas.
	WEPCo—Lakeside	Permanent shutdown.
	Wisconsin Paper Board	B21/S11 (number 2 oil, gas), B22/S10 (number 2 oil, gas).
Racine	Webster Electric	Number 2 oil.
	Western Publishing	B22, shutdown.
Sheboygan	Vollrath	Number 2 oil.
	General Box	Not allowed to burn coal or residual oil.
	Kohler	B29 shutdown.
Walworth	Colt Industries Trent Tube	Proposed Disapproval.
Waukesha	Navistar	Natural gas.
	Muskego Rendering (Boiler)	Permanent shutdown.
	Waukesha Foundry	Permanent shutdown.

¹⁰ Emission limits are in parentheses; unit for emission limitations, unless otherwise noted, are pounds of SO₂ per million British Thermal Units, e.g., (3.0) is equal to an emission limit of 3.0 pounds of SO₂ per million British Thermal Units. Specific boilers are referred to by their State identification number, e.g., boiler number 20 at a given facility is referred to as B20 here.

V. Summary of USEPA's Proposed Rulemaking Action

USEPA is proposing to approve Wisconsin's Statewide SO₂ Rules for those SO₂ sources that were submitted by the State to USEPA with regard to Natural Resources (NR) 417.07 Rule Limitations, (1) for the categorical limits, more restrictive limits, and alternate limits; (2) NR 417.04 Rule for Southeast Wisconsin Limit for small sources; and (3) numerous new source permits.

The Agency has reviewed these portions of the revision of the federally-approved State implementation plan for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that these parts of this action conform with those requirements

irrespective of the fact that the submittal preceded the date of enactment.

Titles I, IV, and V of the 1990 Clean Air Act Amendments will effect changes in the implementation of the SO₂ NAAQS program. In order for all three titles to be carried out as efficiently as possible, USEPA is requiring States nationwide to correct existing enforceability deficiencies in the SIPs. USEPA released the "Yellow Book," in June 1991, which discussed various types of enforcement deficiencies. There are "Yellow Book" deficiencies in the approvable portions of the Wisconsin Statewide SO₂ Rules, however, these deficiencies will be corrected as part of the upcoming national process to rectify these types of enforceability deficiencies. WDNR was notified by

USEPA on July 9, 1991, of the enforceability deficiencies in Wisconsin's SIP and was asked to submit a schedule for correcting them and submitting the corrections as a revision of the SIP.

USEPA is proposing to disapprove emission limitations for the following SO₂ sources because the WDNR did not submit a complete plan which provides for attainment and maintenance of the SO₂ NAAQS consistent with all applicable requirements of the Clean Air Act.

American Motors—Kenosha (Main Plant)
Northern States Power—Asland
University of Wisconsin—Milwaukee
Southern Wisconsin Center
Outboard Marine Corporation—Evinrude
S.C. Johnson

Menasha Electric
 Plastics Engineering
 American Milk Products—Blair Cheese
 Richland Center Municipal
 Appleton Papers—Appleton
 Ore Ida
 Consolidated Papers—Wisconsin River Div.
 Mosinee Papers
 Allis Chalmers
 National Presto
 Pope & Talbot—Eau Claire
 Ansul Fire Protection
 Kearney & Trecker
 Koch Fuels
 Allied Processors
 Beatrice Grocery
 Falls Dairy
 Rexworks
 Greenwood Milk
 Badger Army Ammunition Plant
 Milwaukee County Department H&HS
 Colt Industries

The agency has reviewed these portions of the revision of the federally-approved State implementation plan for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that these parts of this action do not conform with the statute as amended and must be disapproved. The Agency has examined the issue of whether this action should be reviewed only under the provisions of the law as it existed on the date of submittal to the Agency (i.e., prior to November 15, 1990) and has determined that the Agency must apply the new law to this revision.

USEPA is providing a 30-day comment period on this notice of proposed rulemaking. Public comments received on or before (30 days from publication) will be considered in USEPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V office address provided at the front of this notice.

USEPA is aware that WDNR is in the process of reviewing the submitted SIP revisions. Currently, 10 of the 28 proposed disapprovals contained within this notice are proposed to be disapproved because some of the necessary emission limits and/or operating restrictions are included only in compliance plans instead of the SIP itself. The ten sources in this category of proposed disapprovals are: UW-Milwaukee, Southern Wisconsin Center, Outboard Marine Corporation-Evinrude, S.C. Johnson, Menasha Electric, Richland Center Municipal, Appleton Papers—Appleton, Oreida, Allis Chalmers Power Plant, and Mosinee Papers. It is USEPA's understanding that WDNR plans to officially submit the compliance plans, which contain the appropriate emission limits and/or operating restrictions, as formal SIP

revisions for these sources whose plans have been determined to be deficient in this respect before the end of the 30-day comment period. These new submittals should result in technically approvable limits, restrictions, and/or methodologies being inserted into the SIP, thus USEPA is prepared to approve the SIP revisions in the final rulemaking.

There are thirteen other site-specific plans that are proposed disapprovals because of problems with recordkeeping and recording requirements. The sources in this category are: National Presto, Pope and Talbot-Eau Claire, Ansul Fire Protection, Kearney and Trecker, Koch Fuels, Allied Processors, Beatrice Grocery, Falls Dairy, Rexworks, Greenwood Milk, Badger Army Ammunition Plant, Milwaukee County Department of H&HS, and Colt Industries. USEPA has discussed the reasons for these proposed disapprovals with the WDNR and understands that the State plans on attempting to address these deficiencies during the public comment period. If the WDNR rectifies these compliance deficiencies by submitting the individual compliance plans with the appropriate recordkeeping requirements as SIP revisions, USEPA is prepared to approve these site-specific SIP revisions in the final rulemaking.

For three of the proposed disapproved site-specific plans: Plastics Engineering, AMPI-Blair, and Consolidated Papers-Wisconsin River Division, it is USEPA's understanding that the State plans on submitting the appropriate material for USEPA to approve the plans during the public comment period. The appropriate materials in this case are Administrative Orders that have undergone a public hearing. If USEPA receives Administrative Orders for these sources with emission limits that have been technically justified by an acceptable modeling demonstration and documentation that a public hearing was held, the Agency is prepared to approve these site-specific SIP revisions in the final rulemaking.

For two other of the proposed proposed disapproved site-specific plans: American Motors-Main and Northern States Power-Ashland, it is USEPA's understanding that the State plans on submitting acceptable modeling analyses and compliance methodologies capable of accounting for the wide variability in emission limitations as part of the SIP revisions for these sources. If USEPA receives the aforementioned material before the end of the public comment period, the Agency is prepared to approve these site-specific SIP revisions in the final rulemaking.

Any revisions made by the State during the public comment period will be added into the written record and will be available for inspection during normal business hours at the Region V office address provided at the front of this notice.

USEPA is providing a 30-day comment period on this notice of proposed rulemaking. Public comments received on or before February 3, 1992 will be considered in USEPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V office address provided at the front of this notice.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under 5 U.S.C. section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709). As to the disapprovals, they too will not have a significant economic impact on a substantial number of small entities, because they affect only a small number of sources in Wisconsin.

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Intergovernmental relations, Sulfur oxides.

Authority: 42 U.S.C. 7401-7642.

Dated: March 21, 1990.

Valdas V. Adamkus,
 Regional Administrator.

Editorial note: This document was received at the Office of the Federal Register on December 27, 1991.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearings on Proposed Threatened Status for the Mexican Spotted Owl (*Strix occidentalis lucida*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public hearings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that public hearings will be held on the proposed rule to list the Mexican spotted owl (*Strix occidentalis lucida*) as a threatened species. The hearing will